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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/231,066 01/14/99 RUUTU

V 442-008422-U

EXAMINER

WM41/0910

MEHRPOUR, N

ART UNIT

PAPER NUMBER

2682

DATE MAILED:

09/10/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/231,066

Applicant(s)
Ruutu

Examiner
Naghmeh Mehrpour

Art Unit
2682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 21, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8**, are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication WO 96/35306.

Regarding **Claims 1, 7, 8**, the international publication WO 96/35306 teaches a method of determining the position of a mobile communications device within a cellular network, the method comprising the steps of: transmitting data to the mobile communication device from the cellular network, the data identifying to the mobile communication device a list of radio channels corresponding to respective radio transmitters of the cellular network, the list being determined on the basis of the approximate position of the mobile communication device, and causing the mobile communication device to listen on the identified channels, or on other channels excluding the identified channels, and to determine from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels, and determining the position of the mobile communication device using the determined data values (Page 9 lines 13-30, Page 11 lines 25-30).

Regarding **Claims 2, 6**, the international publication teaches a method wherein the transmitters

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are provided by respective base transceiver stations and the data transmitted to the mobile device identifying the list of radio channels comprises a set of radio channel numbers known to the mobile device (Page 9, lines 13-30). Regarding Claims 3, the international publication teaches a method wherein the data values are time relationship values to the transmission delay times between the mobile device and the radio transmitters transmitting the listened to channels (Page 9, lines 13-30, Page 11 lines 25-30).

Regarding **Claims 4-5**, a method wherein the time relationship values are observed time differences (OTD) each being the difference between the transmission delay time between the mobile and one of the radio transmitters transmitting the listened to channels, and the transmission delay time between the mobile device and a radio transmitter of a base transceiver station currently serving the mobile device (Page 11 lines 9-32).

Response to Arguments

3. Applicant's arguments filed 6/21/01 have been fully considered but they are not persuasive.

Response to the Applicant's argument that "*the "list" of base stations in Munday is not generated for positioning purpose, but rather for handover, and only takes signal quality into account. The List of radio channels' according to Applicants' invention as claimed corresponds to each approximate position having been generated beforehand using the measurements taking local conditions into account for each approximate position.*"

The Examiner response that WO 96/35306 (Munday) teaches a method of determining the position of a mobile communications device within a cellular network, the method comprising the

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steps of: transmitting data to the mobile communication device from the cellular network, the data identifying to the mobile communication device a list of radio channels corresponding to respective radio transmitters of the cellular network, the list being determined on the basis of the approximate position of the mobile communication device, and causing the mobile communication device to listen on the identified channels, or on other channels excluding the identified channels, and to determine from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels, and determining the position of the mobile communication device using the determined data values (Page 9 lines 13-30, Page 11 lines 25-30).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label


“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Sept 6, 2001


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